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the Supreme Court of New York for a writ of *mandamus* to compel Cornelius V. Collins, superintendent of the prisons of New York, to surrender certain measurements and photographs taken of the relator while incarcerated as a state convict after his conviction at the first trial. *In re Molineaux*, 88 N. Y. Supp. 943. The photographs and measurements were taken in accordance with the Bertillon system, and were made with full sanction of law, and are a part of the prison records. The Supreme Court at special term in Rensselaer county refused to grant the writ. The court holds that these photographs and measurements, like other prison records, are no more harmful to the reputation and character of the relator than are the original information, the indictment, the minutes of the court, the verdict, the record on appeal and all other papers and matters relating to the trial. No duty is imposed by statute upon the superintendent of prisons to surrender them, there being no law requiring the surrender of the records of the prisoner upon a reversal of the conviction; that an attempt to wipe out the record of a criminal conviction upon a reversal of the verdict and an acquittal of the prisoner would be a public inconvenience, if not an impossibility. The opinion, written by Mr. Justice Howard, is sound and founded in good reason, notwithstanding numerous adverse criticisms of a sentimental flavor which have appeared in the public press and in several respectable law journals.—*American Law Review*.

CONDITIONAL SALES—RECORDATION.—In *Berlin Machine Works v. Hilton & Dodge Lumber Co.*, 12 Am. B. R. 149 (rev'g 9 A. B. R. 610), it was held that a statute providing that conditional bills of sale of personal property must be recorded within thirty days from their date, is complied with by a recording within thirty days of the delivery, of the property, that being the real date of the contract.

EFFECT OF WIFE MURDER ON JUS MARITI.—In *Box v. Lanier*, 79 S. W. 1042, it is held that the personal representatives of a husband who has insured his life for his wife's benefit, and then murdered her and killed himself, are not entitled to the proceeds of the policy by virtue of the *jus mariti*. Many cases are discussed, and it is conceded that the weight of authority sustains the proposition that the murder of an ancestor or testator does not incapacitate the heir or devisee from taking property; but, in spite of this, the court maintains the proposition that the estate of the husband cannot profit by his crime. Constitutional provisions that no conviction shall work a forfeiture of an estate, prohibiting bills of attainder, etc., are held not to apply.

MUNICIPAL LAW—CITY'S LIABILITY FOR NEGLIGENT CARE OF PATIENT IN PESTHOUSE.—In *Twyman's Adm'r v. Board of Councilmen of Frankfort*, 78 S. W. 446, a city which, pursuant to authority given it to establish hospitals, etc., establishes a pesthouse and removes thereto a person afflicted with smallpox, and cares for him until he dies, is held not liable, though

its conduct in doing so is negligent. The reason is that it acts in its public or governmental capacity as the agent of the state, and not in its corporate and private capacity. It is also held that Ky. St. 1903, sec. 6, conferring a right of action for negligently occasioning death, does not give a right of action against the city in the premises.

ACCIDENT INSURANCE—KNIFE-CUT IN TRIMMING CORNS.—A death resulting from a self-inflicted knife cut made by an insured while trimming a corn, which was followed by blood poisoning, is one from an “accidental, external and violent” injury, within the meaning of an accident policy. *Nax v. Travelers’ Insurance Company* (U. S. Circuit Court, Eastern District of Pennsylvania), N. Y. Law Journal, Oct. 1, 1904.

CARRIERS—INJURIES TO PASSENGERS—CARE REQUIRED—FALLING OBJECTS NEGLIGENCE—EVIDENCE.—The Supreme Court of New York, App. Div., holds that a carrier of passengers is only bound to use reasonable care and diligence to prevent passengers from being injured by articles falling from racks in the cars intended to hold the same; and that where a valise, which, though heavy, had been lifted to an overhead rack by one of the plaintiff’s companions, falls by reason of a change of gravity of the train, and injures the plaintiff (there being no evidence that the valise was not securely placed in the first instance, or that, at any time before it fell, there was anything in its position to indicate that it was likely to fall), such facts are insufficient to establish negligence on the part of the company in failing to see that it was properly secured. *Whiting v. Hudson River R. R. Co.*, N. Y. Law Journal; s. c. 89 N. Y. Sup. 584.